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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,174 09/30/97 BRUSKY

K P1568

024202 WM02/1220
SHARP COMFORT & MERRETT, PC
13355 NOEL ROAD
SUITE 1340
DALLAS TX 75240

EXAMINER

BROWN, R

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/941,174

Applicant(s)
Brusky, et al

Examiner
Reuben M. Brown

Group Art Unit
2611



☒ Responsive to communication(s) filed on Sep 29, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5, 7-13, and 16-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 7-13, and 16-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 16

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden, (U.S. Pat. # 6,002,443), in view of Yoshida, (U.S. Pat. # 5,191,423).

Considering claim 1, the claimed computer system emulating a TV system comprising a computer converged with a TV and a monitor connected to the computer system is met by the PCTV of Iggulden, (Fig. 19; col. 5, lines 10-16). The claimed alphanumeric keyboard for providing alphanumeric information to the computer system is met by the keyboard 510 of Iggulden. Regarding the additional claimed feature of the alphanumeric keyboard containing a key with an associated channel macro for selecting a predetermined station, Iggulden does not disclose such a feature. Nevertheless, TV tuning systems were well known in the art at the time the invention was made which enabled a user to select a predetermined station by inputting its corresponding station name via alphanumeric keys on a user controlled station selection device.

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Yoshida provides such a user controlled station selection device 40, Fig. 2. In particular, Yoshida teaches that the user selects a station by pressing the corresponding alphanumeric keys on the channel selection device 40, (col. 1, lines 55-67). Yoshida furthermore provides that the user merely needs to input the first letter of the desired station name, and subsequently the list of all stations with the corresponding first letter is displayed on the TV screen for the user to select from, (col. 1, lines 60-67; col. 4, lines 10-22). The above disclosure of Yoshida reads on the amended claimed feature of providing the user a visual listing of a most probable network *being* selected by a user by depicting on the monitor a list of user defined network names which most closely match the text as it is being entered by the user. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Iggulden with known feature of a user inputting an alphanumeric representation of a station in order to select the instant station as shown by Yoshida, at least for the known desirable benefit of avoiding the user memorizing the entire name of a desired TV station, as taught by Yoshida.

Considering claim 2, the channel selection algorithm disclosed in Yoshida comprises alphanumeric characters which represent networks.

Considering claim 3, in Iggulden TV tuning is accomplished in the TV mode.

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Considering claim 5, Yoshida is directed to a wireless remote control, moreover wireless keyboards were well known in the art at the time the invention was made.

Regarding amended claim 7, the instant features read on Yoshida, (col. 1, lines 60-68 thru col. 2, lines 1-7).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden & Yoshida as applied to claim 1 above, and further in view of Schindler, (U.S. Pat. # 5,675,390).

Considering claim 4, Iggulden only discusses tuning TV stations while in the TV mode. However Schindler, which is also directed to a PCTV entertainment system, discloses that TV channels may tuned while in a computer mode, see (Fig. 13, col. 17, lines 57-67 thru co. 18, lines 1-56). The instant figure shows a user interface which enables the user to view TV programs from a window on a desktop, wherein the user is enabled to choose various computer mode applications, such as Word Processing on the instant desktop. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Iggulden with the feature of operating the TV circuitry while in PC mode, at least for the desirable benefit of a more user flexible system, as taught by Schindler, "opening up the power of a PC to control the video streams and advanced user functions".

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4. Claims 8-13 & 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden & Yoshida as applied to claim 1 above, and further in view of Schindler & Beery, (U.S. Pat. # 5,963,269).

Considering claims 8, 13 & 16, the claimed features of PCTV computer system for providing alphanumeric characters for selecting network stations which corresponds with subject matter mentioned above in the rejection of claim 1, are likewise rejected.

Regarding the further claimed feature of placing the PCTV in one of a TV or computer mode with an active video window, Iggulden only discusses tuning TV stations while in the TV mode. However Schindler, which is also directed to a PCTV entertainment system, discloses that TV channels may tuned while in a computer mode, see (Fig. 13, col. 17, lines 57-67 thru co. 18, lines 1-56). The instant figure shows a user interface which enables the user to view TV programs from a window on a desktop, wherein the user is enabled to choose various computer mode applications, such as Word Processing on the instant desktop. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Iggulden with the feature of operating the TV circuitry while in PC mode, at least for the desirable benefit of a more user flexible system, as taught by Schindler, "opening up the power of a PC to control the video streams and advanced user functions".

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Regarding the additional feature of storing by a manufacturer predetermined broadcast network station names, Iggulden & Yoshida do not disclose such a feature. However, Beery teaches that a TV system manufacturer may provide a display legend (col. 19, lines 52-67) corresponding to stored labels of broadcast network TV names, stored in ROM (col. 2, lines 29-60). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Iggulden & Yoshida, with the desirable feature of storing a legend of broadcast network station names, at least for the known benefit of assisting the operator in channel selection, as taught by Beery.

Considering claim 9, Beery teaches that the user operates the channel selecting algorithm by selecting channels stored in ROM, which would match the pre-stored station legend burned-in by the manufacturer. Official Notice is taken that program guide services were well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Iggulden, Yoshida, Schindler & Beery, with the well known EPG technology for the known desirable improvement of providing the user with a visual representation of content being broadcast on particular stations at different times, so that the user may make a more efficient selection of a desired program/broadcast station.

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Regarding claims 10 & 12, highlighting and channel banners of a user selectable item were notoriously well known in the art of TV graphical user interface technology, at the time the invention was made.

Regarding claim 11, Iggulden & Schindler necessarily provide that the user interacts with an active window on a viewing monitor.

Regarding claims 17-18, the combination of Iggulden & Yoshida provides for user selection of a displayed station name effected by actuation of a key on a keyboard, which is a pointing device.

Response to Arguments

5. Applicant's arguments with respect to all of the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Shimizu A TV factoring Storing broadcast station location information in a TV set.

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7. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 9/29/2000 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



ANDREW FAILE
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